

REMARKS

In the Office Action, claims 1-3, 6, 7, 25, 26, 29, and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Zhang et al., (U.S. Patent 6,762, 835, hereinafter "Zhang"). Claims 1-3, 6-8, 25, 26, and 29-31 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Benicewicz et al., (U.S. Patent 6,762,836, hereinafter "Benicewicz") in view of Zhang. Claims 12-24 were allowed. Claims 4, 5, 9-11, 27, 28, and 32-42 were objected to as being dependent upon a rejected base claim. By the present Response, claims 1, and 25 are amended. Upon entry of the amendments, claims 1-42 will be pending in the present patent application. Reconsideration and allowance of all pending claims are requested.

Rejections Under 35 U.S.C. § 102

Independent claims 1 and 25, and their dependent claims, were rejected under 35 U.S.C. § 102(e) as being anticipated by Zhang.

Claims 1 and 25 are amended to recite an *in-situ* laser plasma spectroscopy (LPS) apparatus comprising a probe that is moveable with respect to a target, and has a single focal lens. The input laser energy from the main fiber is focused to the target *by movement of the probe* for directing the laser induced plasma emission signals from the target to the main fiber. Claims 1 and 25 are amended to specifically point out that the main fiber is focused to the target by moving the probe.

With respect to Zhang, FIG. 3 of this reference shows (and the corresponding text describes) a holder top having a rotating ring, which provides fine adjustment of the distance between an output of the optical fiber and the collimating lens. Zhang fails to disclose a probe that is focused to a target by movement of the probe. Rather, Zhang relies on control of liquid level for focusing.

For the reasons summarized hereinabove, Applicants respectfully submit that Zhang cannot anticipate claims 1 and 25. Accordingly, Applicants respectfully submit that independent claims 1 and 25, and claims depending therefrom, are allowable and respectfully request the Examiner to reconsider rejection of the claims.

Rejections Under 35 U.S.C. § 103

The Examiner rejected independent claims 1, 25, and their dependent claims under 35 U.S.C. § 103(a) as being unpatentable over Benicewicz in view of Zhang. In response to the Office Action, Applicants affirm that Pingfan Wu, Pamela Benicewicz, and Elena Rozier, the co-inventors named in the Benicewicz reference, contributed any common subject matter to the present invention. An affidavit of Pingfan Wu, Pamela Benicewicz, and Elena Rozier under 37 C.F.R. §1.132 has been prepared and is being executed at the time of filing of this Response, declaring that any invention disclosed but not claimed in the Benicewicz reference was derived from the co-inventors of the present application and is therefore not the invention by “another”. Applicants will file the Affidavit by Supplemental Response. Applicants kindly request the Examiner’s indulgence and that the present be considered a *bona fide* attempt to respond to the Office Action. Accordingly, the independent claims 1 and 25, and the claims depending therefrom, are believed to be in condition for allowance. Reconsideration and allowance of all pending claims are requested.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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79
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